

Dredge Management Task Force Meeting Minutes - March 20, 2007 DES Pease Office

The meeting was held on Tuesday, March 20, 2007 from 1:30 PM to 2:55 PM at the Department of Environmental Services/New Hampshire Coastal Program Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.

•Announcements/Introductions – Chairman Chris Williams did not have any announcements and asked members to introduce themselves.

Attending members:

Liz Chamberlain, Senator Sununu
Caroline Ganley, Congresswoman Shea-Porter
Alyssa Shooshan, Senator Gregg
Rich Roach, U.S. Army Corps of Engineers (ACOE)
Mark Habel, ACOE
Clare McBane, NH Fish and Game (NHF&G)
Dean Peschel, City of Dover
Frank Richardson, NHDES Wetlands Bureau
Michael Johnson, National Marine Fisheries Service (NMFS)
Jon Scott, UNH
Michael Walsh, ACOE
Ryan McCarthy, ENSR
Collis Adams, NH DES Wetlands Bureau
Steve Bird, City of Dover
Olga Guza, EPA
Michael Yeager, Pease Development Authority (PDA)
Tracy Shattuck, PDA, Division of Ports & Harbors (DPH)
Grant Nichols, PDA-DPH

Guests:

Jerry Dexter, PDA
Don Boye, ENSR
Chris Holt, Portsmouth Pilots
Andrew Cole, Portsmouth Harbor Cruises

Staff:

Chris Williams, Chairman, NH Coastal Program (NHCP)
Ted Diers, Manager, NHCP
Mary Power, NHCP

• **Legislative Update** – Chair asked the Congressional delegation staff if there is any new budget information to report from D.C. Sen. Sununu (Liz Chamberlain) said there's nothing new to report since the meeting in late February when the ACOE and the NHCP met with Congressional delegation staff to discuss funding priorities for ongoing and future dredging and dredge material management projects. She said that earmarks for this year have evaporated. Chair then asked ACOE for a budget update. ACOE (Mark Habel) said when the 2007 budget bills evaporated Congress asked the ACOE and other affected agencies to produce work plans based on funding provided programmatically on a national basis. Those work plans have been undergoing review and revision since the end of January. As of this morning (March 20, 2007) the ones that have been reviewed by the ACOE and Office of Management and Budget (OMB) have started to be approved and are being proposed to the Congressional committees. He continued by saying that the only work plan he has seen is for the ACOE's General Investigations Program, which includes the Portsmouth Turning Basin feasibility study. There is a difference between what the ACOE's work plan has requested and what OMB is proposing. OMB has taken \$50 million out of the national budget and appropriated that reduction to various projects nationwide. The minimum that the Portsmouth Turning Basin Feasibility Study would receive for the remainder of FY2007 is \$80 thousand, if the PDA can provide 50% match. He hasn't heard anything regarding the ACOE's Continuing Authorities Program Section 107, which the Hampton Harbor Improvement feasibility study is being conducted under. He expects this information soon. He stated that although there are funds available to complete the feasibility study, the ACOE's current regulations regarding establishing a federal project in an area originally constructed and currently maintained by the state, make the feasibility study ineligible for authorization. Chair asked NHCP Manager (Ted Diers) to speak. Diers said he met with Congressional staff when he was in DC a short time ago and no one knows about the 2007 budget.

• **Cocheco River Dredge** - Chairman asked ACOE (Mike Walsh) to provide an update on the Cocheco River Maintenance Dredge project. ACOE (Walsh) said that work continues. NH Fish & Game Department granted the ACOE an extension of the March 15 dredge window until April 7, 2007, or until the water temperature reaches 13°C. They are monitoring the water temperature. ACOE (Walsh) stated that the pace of dredging was slowed by a number of factors, including the presence of ice and the narrowness of the river, which caused crowding and reduced the mobility of the equipment. He stated that during the coldest days, the contractor had to decide whether to remove the equipment from the river and wait for the ice to melt or to continue on at a slow pace making limited progress. He stated that he expects to complete dredging through the Lower Narrows by the end of this dredge season. That would leave everything below the Lower Narrows to remain to be dredged. The material to be dredged in this area, which totals approximately 15,000 to 20,000 cyd³, is predominantly sediment (not rock), and therefore should be able to be removed fairly easily and quickly. ACOE (Walsh) stated that although the contractor's method of filling containers that are then loaded onto trucks for transport to the disposal site results in a clean operation, it too has slowed the overall pace of operations considerably. Walsh continued by saying that the longer the project goes on the higher the costs of dredging operations and disposal will be.

He stated that additional costs to complete the project total approximately \$4 million. Chair asked if the estimated project total breaks down to about \$2 million for disposal and \$1.8 million for the actual dredging. ACOE (Walsh) agreed. Chair asked what would happen if there were funds available now. ACOE (Walsh) said if funds were available now, the ACOE would award a contract as soon as possible with construction to begin in November 2007. However, there are no funds available for the project in the draft FY2007 work plan. Even if funds became available at the beginning of FY2008 (October 2007), it would be too late to use those funds in FY2008, so the earliest that the dredging operations could begin would be FY2009 (November 2008). Discussion followed and ACOE (Walsh) stated that the ideal time to dredge the Cocheco River is before December 31st to avoid ice. City of Dover (Dean Peschel) then stated that he has been monitoring this year's dredging activity and that ice caused significant problems for the contractor. Ice was also a problem during the first season of dredging in 2004/2005. Peschel indicated that he feels that implementation of the Nov. 15 - March 15 dredge window has had significant financial ramifications for the project. He indicated that because of the dredge window, the project, which would likely have been completed in a year or less, is still not complete after two dredging seasons. He suggested a process whereby dredging activities are conducted continuously until a project is complete. Adverse impacts to fisheries that may result from conducting projects in such a manner could be mitigated through the creation of a natural resource fund. The fund would be comprised of the fees that contractors would otherwise charge for ice breaking and removal.

ACOE (Walsh) stated that he'd like to give a presentation to the Task Force in the near future regarding the costs of the Cocheco River project. The presentation will focus on those factors, including the dredge window, that have caused project costs to escalate. Chair suggested he give a cost report at the next meeting. ACOE (Walsh) agreed.

DES Wetlands Bureau (Frank Richardson) asked that NHF&G and NMFS produce a projected impact report on the types and amount of impact that would occur if the dredge window is expanded, per City of Dover's (Dean Peschel) suggestion. NMFS (Mike Johnson) agreed to an impact report and said he would be prepared to discuss it and the appropriate types of mitigation at the next meeting. NMFS (Johnson) recommended that the City of Dover also be prepared to discuss specific compensatory mitigation options for impacts to fisheries that might result from an expansion of the dredge window. Discussion followed. Chair asked if NHF&G would be prepared to discuss the projected impact of an expanded dredge window at the next meeting. NHF&G (Clare McBane) indicated that NHF&G would be prepared to discuss this issue.

NHCP (Diers) stated that letters signed by the PDA-DPH and NHCP regarding the Cocheco River project were recently sent to the Congressional delegation.

- **Sagamore Creek** - Chairman Williams asked ACOE (Rich Roach) to update the Task Force. ACOE (Roach) stated that ACOE senior management has decided that the Witch Cove Marina docking facilities that encroach into the federal channel can remain in place. Discussion followed and ACOE (Walsh) said that a decision about the final alignment of the channel has not yet been made, but the two options are to move the channel to avoid the encroachments or to keep the channel where it is. ACOE (Walsh) stated that realigning the channel to avoid the encroachments would result in additional impacts to eelgrass beds and increase project costs. He stated that since the ACOE would like to avoid additional eelgrass impacts, it may chose not to realign the channel. Discussion followed regarding where the responsibility lies for having the lobster traps and moorings removed from the existing channel prior to dredging. The ACOE will meet with various members of the Task Force to discuss the options being considered regarding alignment of the channel.

- **Other Business –**

Little Harbor Eelgrass Friendly Mooring (EFM) Installation - ACOE (Roach) reported that 6 of the EFMs have been installed in Little Harbor and will be monitored for the next year or two. NMFS (Johnson) said he would like to do aerial surveillance to monitor the effectiveness of the EFMs and asked if there are aerials of the damage done to the eelgrass by regular moorings. It was stated that Fred Short at UNH may have such photos. NMFS (Johnson) also stated that NFMS may perform dives in the area this summer to determine the effectiveness of the moorings.

Little Harbor Shoaling – Chairman explained that this is an item being looked at by the ACOE at the request of PDA-DPH who has received calls from people in that area with concerns about the extent of the shoaling. ACOE (Walsh) said there is a survey scheduled at the end of April 2007 with the preliminary data likely to be available by the end of May. NHCP (Diers) mentioned a concern about rocks that had come loose from the jetty in that area. ACOE (Walsh) stated that ACOE has looked at the jetty and determined that rocks do not pose a safety risk and do not compromise the integrity of the jetty.

Piscataqua River Turning Basin Feasibility Study – Chair asked ACOE (Mark Habel) to provide brief update. Habel reiterated his comments from earlier that stated that there should be at least \$80 thousand in FY07 federal funds available for the project if the state (PDA-DPH) can provide 50% match. Habel stated that his preference regarding expenditure of the funds would be to prioritize the borings because this information does not have a shelf life. This is particularly important should future funding issues arise.

Hampton Section 107 Feasibility Study - ACOE (Habel) said that it is still the ACOE's intent to submit the draft feasibility study to their New York office this spring for review and approval. If/when the feasibility study is approved, it will be sent to state and federal agencies and the public for review. Once the state and federal permits are in hand, the

ACOE would seek approval of a final report, which would be the last thing needed before moving forward with plans and specs, should additional money become available. Chair asked what the ACOE would be recommending in the final report. ACOE (Habel) said that report currently recommends that the ACOE assume responsibility for maintaining the entire Seabrook anchorage and approximately one half of the Hampton anchorage. The report recommends that the ACOE not assume responsibility for that part of the Hampton anchorage that is home to recreational vessels.

NH House Bill 216: Establishing a commission to study the causes, effects, and remediation of siltation in the Great Bay estuary - Chairman asked NHCP (Diers) to summarize HB 216. NHCP (Diers) said it was introduced by Rep. Spang and supported by DES. The commission will look at reports that Great Bay and its tributary rivers are silting in and shoaling in places. The commission will ask people to give presentations on the issue to help understand the issue and determine appropriate next steps. He continued by saying it is going to take money to understand the sediment problems. The bill has passed the House and will now go to the Senate where it has a sponsor. Diers stated that he expects the bill to be acted on in the Senate May. He has suggested that commission meetings be associated with the DMTF meetings and encourages Task Force members to participate. Chairman Williams said that the bill language and hearing testimony will be emailed to members with the minutes of today's meeting. Discussion followed.

Other items - Chris Holt of Portsmouth Pilots spoke in favor of the Piscataqua River Turning Basin project. He stated that widening the basin by an additional 200 feet would make a world of difference when the Moran tugboats are piloting a ship into the river. It is a safety factor. He said he realizes that it is still in the discussion phase but said they (Portsmouth Pilots) are willing to support the appropriation of funds for this project.

Discussion followed regarding the success of the Awcomin marsh restoration project in Rye. It was agreed that the NHCP would organize tour in June so that Task Force members could view this and other projects in the region, including the Seabrook 227 project.

Schedule next DMTF meeting. May 31, 2007 at 1:30, DES Pease office. The agenda will include a discussion of the costs of the Cocheco River project associated with adherence to the dredge window.

- **Guest Presentation:** "Water Quality Monitoring During Dredge Operations: Ryan McCarthy and Don Boye, ENSR. ENSR (Don Boye) gave a power point presentation regarding the various water quality monitoring techniques used during dredging operations.

Adjourned at 2:55 PM